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Practitioner's Docket No. BMID9913US

CHAPTER II**IN THE UNITED STATES ELECTED OFFICE (EO/US)**PCT/EP97/0578320 October 199721 October 1996

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

MONOCLONAL ANTIBODIES AGAINST THE EPITOPE YPYDVPDYA, A PROCESS FOR THEIR PRODUCTION AND THEIR USE**TITLE OF INVENTION**Thomas EMRICH, Matthias HINZPETER and Michael GROL

APPLICANT(S)

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371**

(check and complete the applicable item, if applicable)

This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).
 A copy of FORM PCT/DO/EO/905 accompanies this response.

WARNING: *Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. §*

CERTIFICATION UNDER 37 C.F.R. § 1.10**(Express Mail label number is mandatory.)**(Express Mail certification is optional.)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date August 16, 1999, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EL137589588US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Rose Edwards*(type or print name of person mailing paper)*Rose Edwards

Signature of person mailing paper

108(2)(xi).

NOTE: *Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).*

DECLARATION OR OATH

I. No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: *For surcharge fee for filing declaration after filing date complete item IV(2).*

NOTE: *Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If the identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3). See M.P.E.P. § 601.01(a), 6th ed., rev. 3.*

NOTE: *Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).*

NOTE: *See 37 C.F.R. § 1.41(a).*

The original oath was objected to. A new original oath is attached.

(complete (c) or (d), if applicable)

Attached is a

(c) Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT

II. *(complete as applicable)*

An amendment in accordance with 37 C.F.R. § 1.121 is attached.
 The attached amendment cancels claims _____ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS**

III. [] Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.495(c))

NOTE: *For fee for processing a non-English application, complete item IV(3).*

NOTE: *A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).*

FEES

IV.

NOTE: *See 37 C.F.R. § 1.28(a).*

1. Fees for claims – (to follow with Preliminary Amendment)

| | | |
|------------------------------|---|----------|
| <input type="checkbox"/> [] | each independent claim in excess of 3 (37 C.F.R. § 1.492(b))—\$78.00; small entity—\$39.00 | \$ _____ |
| <input type="checkbox"/> [] | each claim in excess of 20 (37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00 | \$ _____ |
| <input type="checkbox"/> [] | multiple dependent claims(s) (37 C.F.R. § 1.492(d))—\$260.00; small entity—\$130.00 | \$ _____ |

2. Surcharge fees

| | | |
|---|---|------------------------|
| <input checked="" type="checkbox"/> [X] | surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 | \$ _____ <u>130.00</u> |
|---|---|------------------------|

NOTE: *The processing fee in the next item 3 below is not subject to a reduction for small entity status.*

3. [] processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00

\$ _____

Total Fees **\$130.00**

SMALL ENTITY STATUS

V. [] A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

(check and complete applicable items)

[] is attached.

[] A separate refund request accompanies this paper.

EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

(a) [X] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

| Extension <u>(months)</u> | Fee for other than <u>small entity</u> | Fee for <u>small entity</u> |
|------------------------------|---|--------------------------------|
| [X] one month | \$ 110.00 | \$ 55.00 |
| [] two months | \$ 380.00 | \$ 190.00 |
| [] three months | \$ 870.00 | \$ 435.00 |
| [] four months | \$ 1,360.00 | \$ 680.00 |
| | | Fee: <u>\$ 130.00</u> |

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for _____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

or

(b) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VII.

The total fee due is:

| | |
|--------------------------------|------------------|
| Completion fee(s) | \$ <u>130.00</u> |
| Extension fee (if any) | \$ <u>110.00</u> |
| TOTAL FEE DUE \$ <u>240.00</u> | |

PAYMENT OF FEES

VIII.

- Enclosed is a check in the amount of \$_____
- Charge Account No. 50-0877 in the amount of \$ 240.00
- A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

AUTHORIZATION TO CHARGE ADDITIONAL FEES

IX.

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. _____

37 C.F.R. § 1.492(a)(1), 1.492(a)(4) (filing fees)

37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

37 C.F.R. § 1.17 (application processing fees)

[] 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a)).

[] 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

NOTE: *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

[] 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

WARNING: *It would be wise to always check this last authorization.*

Date: August 16, 1999



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